

Opinion No. CV 73-316—August 12, 1975

SUBJECT: COLONIC IRRIGATIONS—PHYSICAL THERAPIST—A licensed physical therapist may not perform colonic irrigations under direction or supervision of a chiropractor, who is precluded from performing colonic irrigations himself.

Requested by: ASSISTANT EXECUTIVE SECRETARY, BOARD OF MEDICAL EXAMINERS

Opinion by: EVELLE J. YOUNGER, Attorney General

Dolores S. Rios, Assistant Executive Secretary of the Board of Medical Examiners, has requested an opinion on the following question:

May a licensed physical therapist perform colonic irrigations under the direction or supervision of a chiropractor?

The conclusion is:

A licensed physical therapist may not perform colonic irrigations under the direction or supervision of a chiropractor. A chiropractor cannot perform colonic irrigations. Therefore, a chiropractor cannot supervise a physical therapist in performing colonic irrigations.

ANALYSIS

We are advised that a colonic irrigation is similar to an enema. It is:

"The injection of a fluid through the rectum into the large intestine.

Generally an enema is used to facilitate the emptying of the bowel in cases of constipation. For this purpose the use of plain warm water (one pint to two quarts) is sufficient. Sometimes soap, salt, or glycerin is added." Schmidt's Attorneys' Dictionary of Medicine E-37 to 38 (1974).

Colonic irrigation for the purpose of relieving constipation involves the irrigation of the lower colon. Cecil & Loeb, *A Textbook of Medicine* 850 (12th ed. 1967). Colonic irrigations are also used to treat the bowel in certain cases of inflammation and irritation. Schmidt's Attorneys' Dictionary of Medicine, *supra* at E-38.

The question, whether a licensed physical therapist may perform a colonic irrigation under the direction and supervision of a chiropractor, implies that a physical therapist cannot perform a colonic irrigation without supervision. Such an implication is supported by Business and Professions Code section 2620, which defines physical therapy as follows:

"Physical therapy means the art and science of physical or corrective rehabilitation or of physical or corrective treatment of any bodily or mental condition of any person by the use of the physical, chemical, and other properties of heat, light, water, electricity, sound, massage, and active, passive, and resistive exercise, and shall include physical therapy evaluation, treatment planning, instruction and consultative services. . . ."

The use of water by a physical therapist is known as hydrotherapy. *See* Business and Professions Code section 2650. Hydrotherapy is the treatment of disease or disability by the external application of water. Webster's New Internat. Dict. (2d ed. 1961); cf. Ops. Cal. Atty. Gen. N.S. 1359 (1938). Thus, it would appear that colonic irrigations do not fall within the use of water permitted by section 2650 of the Business and Professions Code. Since Business and Professions Code section 2621 prohibits a physical therapist from practicing medicine, surgery, or any other form of healing art, except as authorized by section 2620, it is clear that an unsupervised physical therapist is precluded from performing a colonic irrigation, which involves the internal use of water, for treatment and diagnosis.

Having determined that a physical therapist, acting on his own initiative, has no authority to administer a colonic irrigation, we now turn to the authority of a chiropractor to supervise the physical therapist in such a procedure. It must first be determined whether colonic irrigations come within the definition of chiropractic.

Section 7 of the Chiropractic Act sets forth the scope of the practice of chiropractic as follows:

". . . [a license to practice chiropractic] shall authorize the holder thereof to practice chiropractic in the state of California as taught in chiropractic schools or colleges; and, also, to use all necessary mechanical, and hygienic and sanitary measures incident to the care of the body, but shall not authorize the practice of medicine, surgery, osteopathy, dentistry or optometry, nor the use of any drug or medicine now or hereafter included in materia medica." Initiative Measure, Stats. 1923, p. xxii, § 7.

The above provision does not specify, on its face, what procedures a chiropractor may utilize in practicing his profession. In 1963, the court of appeal explained in detail the meaning of this section. In approving a finding of the superior court, the court of appeal held that a chiropractor is authorized to practice:

"... a system of treatment by *manipulation* of the joints of the human body by *manipulation* of anatomical displacements, articulation of the spinal column, including its vertebrae and cord, and he may use all necessary, mechanical, hygienic and sanitary measures incident to the care of the body in connection with said system of treatment, but not for the purpose of treatment, and not including measures as would constitute the practice of medicine, surgery, osteopathy, dentistry, or optometry, and without the use of any drug or medicine included in *materia medica*.

" 'A duly licensed chiropractor may make use of light, air, water, rest, heat, diet, exercise, massage and physical culture, *but only in connection with and incident to the practice of chiropractic as hereinabove set forth.*' " (Emphasis added.) *Crees v. California State Board of Medical Examiners*, 213 Cal. App. 2d 195, 202, 214 (1963); *see also* Title 16, California Administrative Code section 302(a).

Thus, although a chiropractor may not practice medicine or surgery, an exception is created by the Chiropractic Initiative Act permitting treatment by manipulation. *Crees v. California State Board of Medical Examiners*, *supra* at 213; *People v. Mangiagli*, 97 Cal. App. 2d Supp. 935, 938 (1950); Business and Professions Code section 2141; *see also* 39 Ops. Cal. Atty. Gen. 228, 229 (1962).

As stated earlier, colonic irrigations may be used as a form of treatment for constipation. They are also used to treat the bowel in certain cases of inflammation and irritation. Such treatments certainly cannot be classified as manipulation. Manipulation must be performed with the hands. *Crees v. California State Board of Medical Examiners*, *supra* at 211; *People v. Augusto*, 193 Cal. App. 2d 253, 257 (1961); *see also People v. Fowler*, 32 Cal. App. 2d Supp. 737, 745-47 (1938).

It might be contended that a chiropractor may perform a colonic irrigation as a hygienic or sanitary measure incident to the care of the body. *See* Initiative Measure, Stats. 1923, p. xxii, § 7. This contention is without merit. In *Crees v. California State Board of Medical Examiners*, *supra* at 202, 214, the court held that hygienic and sanitary measures incident to the care of the body must be performed in connection with a system of treatment involving manipulation of anatomical displacements, articulation of the spinal column, etc. *See also* Title 16, California Administrative Code section 302(a). Thus, since a colonic irrigation does not involve the manipulation of the inside of a patient's colon with one's hands, it does not come within the scope of chiropractic. *See* discussion in 58 Ops. Cal. Atty. Gen. 558, (CV 74/60) issued this date. Therefore, a chiropractor cannot perform a colonic irrigation nor can a chiropractor supervise a physical therapist in performing a colonic irrigation.

In summary, it is concluded that the performance of a colonic irrigation constitutes the practice of medicine and does not come within the exception of the Chiropractic Initiative Act permitting a limited form of treatment by manipulation. Thus, if a chiropractor is precluded from performing a colonic irrigation himself, it naturally follows that a physical therapist, not being otherwise entitled to administer such irrigation, may not perform a colonic irrigation under the direction and supervision of a chiropractor.
